GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Higher Education – Taking over of Management and Infrastructure of NBT & NVC College, Narasaraopet, Guntur District – Revised Orders – Issued.

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HIGHER EDUCATION [CE] DEPARTMENT

G.O.MS.No. 17 Dated: 30-03-2017

Read the following:

Ref: 1) Letter Rc.No.141/Admn.II-1/2012, dated:22.6.2012, 30.07.2014,20.04.2014,18.01.2016 and 19.07.2016 of the Commissioner of Collegiate Education, A.P., Hyderabad.
2) Govt . Memo. No. 9741/CE.A2/2013-4, dated: 20.7.2015.
3) Govt . Memo. No. 6156/CE/A2/2014-7, dated: 01.09.2015.
4) Letter dated:14.12.2015 of t he Secretary & Correspondent , NBT & NVC College, Narasaraopet .
5) Govt . Memo. No. 6156/CE.A2/2014, dated:11.02.2016 of t he Government of A.P.
6) Letterdated:19.03.2016 of t he Secretary & Correspondent of N.B.T & N.V.C. College, Narasaraopet
7) G.O.Rt.No.214, Higher Education[CE]Department., dt.23-09-2016.
8) Orders dated: 26.09.2016 in W.P.M.P. No. 40604 of 2016 in W.P.No.32811 of 2016 of t he Hon'ble High Court for the State of Telangana and for the State of Andhra Pradesh.
9) Letter No. WP No.32811 of 2016/HC/2016, dated:18.10.2016 of the Govt . Pleader for Higher Education, High Court buildings, Hyderabad.

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ORDER:

The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad in the first read above, (dated:19.07.2016) has informed that Sri Trikoteswara Swamy Educational Society was registered under the Societies Registration Act, 1860 and obtained Registration Certificate along with its original bye-laws. The said Society is the "Educational Agency" which had established as N.B.T. & N.V.C. College in Narasaraopet hereinafter referred to as "College". The College was established in 1984 and admitted to Grant-in-aid in the year 1990. Further, during the year 1995-96 disputes had arisen in the Management of the College. One Sri Nallapati Siva Rama Chandrasekhar Rao was the Secretary and Correspondent of the College. Allegations of commissions, omissions and mismanagement were levelled against him. These resulted in several proceedings, including in the Hon'ble High Court of Andhra Pradesh. These were elaborately dealt with and considered by the Hon'ble High Court of Andhra Pradesh in W.A. No. 1112/1996. A Division Bench of the Hon'ble High Court in its orders in the second cited read above, inter-alia directed that the charge of Secretary and Correspondent ship should be handed over to the District Collector, Guntur District. The Division Bench inter-alia further ordered as hereunder:

In terms of the orders of the Hon'ble High Court, Sri. N.S.Chandrasekhara Rao handed over charge of the office of the Correspondent and Secretary of the College to the Collector, Guntur; it is however evident from the report of the Collector that only some of the documents were taken over and that further, it was informed that these were not available."

"It is a fit case, in our opinion, not to leave the matter as in case this story of alleged theft is created for the purpose of defeating the enquiry, persons guilty of various malpractices, misdemeanour and misconduct, including punishable offences would escape legal action and if it is really a case of theft of the material documents, as alleged, and the case is not investigated fully, person who have contrived theft for obvious purpose of defeating any enquiry into the affairs of the College would succeed in their desire. We are of the view, for the above reasons, that a direction be issued to the respondent-Government of the State of Andhra Pradesh to forthwith take over the management of the institution and all the properties of the institution under its control and appoint such persons whom it deems fit and proper to manage the affairs of the College until further orders and to direct the transfer of the case of the alleged theft of documents to C.B.C.I.D. and for registration of a fresh case on the basis of the report of the Principal Secretary to Government, Higher Education Department, for investigation of the case of theft, if any, criminal breach of trust, if any, by the Secretary – cum – Correspondent , Principal and/or any other person associated with the affairs of the College, cheating, if any and/or any allied ancillary offences and/or any other offence, which is disclosed or revealed in course of the investigation of the case by the above persons or any other person."

"It is necessary that a case is registered for investigation into their conduct and is taken to its logical conclusion including whether there has been any duress and undue influence etc., exercised by them either for making the false accusations or for retracting from their statements. We are of the view that a case in this behalf has to be registered and the same investigating agency must also look into this aspect of the matter. We accordingly order as follows:

1) Cases if any registered for the alleged theft of the relevant documents as reported by t he Principal Secretary to Government, Higher Education Department shall be transferred to C.B.C.I.D. for investigation.

2) C.B.C.I.D. shall register a case for the alleged offences of criminal breach of trust, cheating etc., as stated above and investigate the same.

C.B.C.I.D. s hall also register a case against the persons who made allegations of payment of money as observed above and later changed their statements for investigation in all aspects as indicated above. The Additional Director General of Police, C.B.C.I.D. – Sri Bharath Chandra is directed to appoint a person not below the rank of Deputy Superintendent of Police to investigate the case and submit a report in accordance with the procedure as envisaged in this behalf under various provisions of the Code of Criminal Procedure, 1973 within a reasonable time, preferably within a period of two months and send a copy of the same to his Court for further orders in the instant proceedings."

2. The Division Bench of the Hon'ble High Court directed that the State Government shall **"forthwith take steps for taking over all the assets and the Management of the College under its control"** and **"shall appoint such persons whom it deem fit and proper to manage the affairs of College until further orders".** The said orders of the Hon'ble High Court were confirmed by the Hon'ble Supreme Court in S.L.P. (Civil) No. 1431 of 1997 in its orders dated: 05.05.1997. Pursuant to the said orders of the Hon'ble High Court, the District Collector, Guntur District, took charge as Secretary and Correspondent and managed the College as Secretary and Correspondent from 1996 to 2004.

3. Further, the Hon'ble High Court of Andhra Pradesh has disposed in W.A.No.1112/1996 dated: 8.7.1998. The then Secretary and Correspondent of the College Sri. N. S. Chandrasekhar Rao (the father of the present Secretary and Correspondent) was the 5th Respondent in that Writ Appeal. Inter-alia the Hon'ble High Court held as hereunder:

"…..Pursuant to the above directions, the CBCID conducted investigation in Crime Nos. 87/95, 89/95, 88/95 and 9/97 and the Investigation Officer – Deputy Superintendent of Police, CID, Circars Zone, Vijayawada, submitted his reports to the Court. Cr.No. 87/95 was registered basing on the complaint made by one Gangineni Sambaiah (second petitioner herein) against the 5th respondent herein and two others. In the Report, the Investigating Officer stated that the total misappropriation amount detected so far is Rs.3,02,461-80ps. He found fault with the 5th respondent and stated that the Secretary Sri N.S.Chandrasekhara Rao, Principal K.V.Kotaiah and N.Venkatarao, Sr.Assistant/ Office Superintendent conspiring together collected donations without issuing receipts, diverted the same to the personal accounts and misused the same, suppressed the income and inflated the expenditure through false and forged bills and thereby committed offences u/s. 468, 406,471,477 (A), 420 R/w 120 (B) IPC and 201 IPC. Cr.No.89/95 of Narasaraopet Town P.S. was registered on the basis of the complaint given by the second petitioner herein against the 5th respondent herein and six others. The offences alleged are u/s.307, 504 and 380 IPC. The Investigating Officer in this crime found guilty the 5th respondent herein for the offences punishable u/s.380 and 504 IPC along with others.

Cr.No. 88/95 was registered by the Police of Narasaraopet Town P.S. on the basis of the complaint made by the 5th respondent herein against the petitioners and one Guddem Venkateswarlu for the offence u/s. 447 and 380 IPC. The Investigating Officer in this crime concluded that no theft records were committed by Dr. K. Siva Prasada Rao (first petitioner herein) and others as alleged by the complainant Sri Nallapati Sivarama Chandrasekhara Rao. Hence it is a fit case to be referred as FALSE.

Cr.No.9/97 was registered u/s. 193,199 and 109 IPC of CID P.S., Hyderabad on the basis of the complaint given by Sri Ch. R.K.G. Sharma, Deputy Secretary to Government, Education (CE-II) Department, Hyderabad, against the 7 accused who are teaching and non-teaching staff. The Investigating Officer in respect of this crime, that A-1 D.V. Koteswara Rao, A-2 S. Veeranjaneulu, A-5 B.V. RatnaRao and A-6 G. Hanumantha Rao can be prosecuted for the offence u/s. 193 & 199 IPC as a case made out against them. The Officer further stated that the Secretary & Correspondent Sri N. Sivarama Chandrasekhara Rao (5th respondent herein) is liable for punishment u/s. 109 IPC since he obtained declarations and letters from the accused and sent the same in a bunch to the Principal Secretary, Government of Andhra Pradesh Education Department by misleading the Employees and Enquiry Officer."

"Since so many lapses have been pointed during the enquiry by the CBCID stating that the 5th respondent and his associates committed offences punishment and his associates committed offences punishable u/s. 468,406,471, 477 (A), 420 r/w S.120 (B) and 201 IPC in Crime No. 87/95 and again for the offence punishable u/s.307, 504, and 380 IPC in Cr.No. 89/95 and for the offence punishable u/s.109 IPC in Cr.No.9/97, as indicated by the CBCID in its report, the 5th respondent should not have been allowed to discharge the functions of Correspondent -cum-Secretary of the institution. On the other hand, action should have been taken pursuant to the show-cause notice which was initially initiated and later

though there was an injunction granted by the Civil Court the same was stayed by the Division Bench of this Court in the present writ appeal by an order dt.3-10-1996.

"Since it is submitted that as per the earlier Article of Association, the Governing Body consists of seven members, but latter the Articles were amended in the year 1991 and 1992 and accordingly others were admitted and thus 24 persons participated in the election allowing three members are related to the 5th respondent, to participate and got elected along with the 5th respondent to the Governing Body, it is proper for the authorities to keep the 5th respondent away from the affairs of the institution till such time that the cloud on his conducting the institution impartially cleared by means of absolving from the allegations made in the report submitted by Mr. Lalit Mathur and the proceedings initiated by the C.B.C.I.D. Hence, a direction needs to be given to the Government to appoint a Special officer, if not yet appointed, forthwith to conduct the affairs of the institution in question and to take action under Section 24 of the Andhra Pradesh Education Act, 1982 pursuant to the report of Sri Lalit Mathur, IAS, Principal Secretary (Higher Education), dated:7-12-1996.

"Further, the so-called election of the members of the Governing Body which was conducted consequent upon the directions of this Court appears to be farce and now not effective in view of the subsequent orders of the Division Bench of this Court. Hence, concerned authorities to take steps to hold fresh elections to get the members elected to the office of the Governing Body of the Society…."

4. The said order of the Hon'ble High Court was carried to the Hon'ble Supreme Court in Appeal by filing S.L.P.No.19910/1998 which was later numbered as Civil Appeal No.4137/1999. Sri N.S.Chandrasekhara Rao did not challenge this order. Pending the said proceedings before the Hon'ble Supreme Court, the Hon'ble Supreme Court of India ordered "status quo". Therefore the District Collector, Guntur continued to manage the College as Secretary and Correspondent till 2004, i.e. for a period of about 10 years. The Hon'ble Supreme Court of India has dismissed the said Civil Appeal on 18.03.2004 and observed inter-alia that the "Competent Authority" has to conduct elections to the Society.

5. After the Hon'ble Supreme Court dismissed the said appeal, Mr. N.S. Chandrasekhar Rao, who was directed by the High Court to keep off from the College, claimed that he was the Competent Authority to conduct elections to the Society. He conducted elections and claimed that his son Sri.Nallapati Ramachandra Prasad was elected as the Secretary and Correspondent and some others as office bearers of the Society. These claims of Sri N.S. Chandrasekhar Rao and his son Sri N.Ramachandra Prasad triggered further litigation. These claims were contrary to the said Division Bench orders dated:8.7.1998 in W.A. No.1112 of 1996 in the Hon'ble High Court of Andhra Pradesh.

6. The Society Byelaws did not provide for admitting any new members to the Society. Sri.N.S.Chandrasekhara Rao in the Hon'ble High Court in W.A.1112/1996 claimed that in a General body meeting of the society (24) new persons were admitted as Members of the society and in such a meeting with such New members, himself and a Governing body were elected. But the Division Bench of the Hon'ble High Court in it s order dated:8.7.1998 in W.A.No. 1112 of 1996.

"Further, the so-called election of the members of the Governing Body which was conducted consequent upon the directions of this Court appears

to be farce and now not effective in view of the subsequent orders of the Division Bench of this Court . Hence, concerned authorities to take steps to hold fresh elections to get t he members elected to the office of the Governing Body of the Society…."

7. As against this order, Sri N.S.Chandrasekhara Rao did not file any appeal before the Hon'ble Supreme Court. While dismissing the Appeal filed by the other members of the society the Hon'ble Supreme Court did not set-aside this finding of the Hon'ble High Court.

8. The Correspondent ship of Sri.N.Ramachandra Prasad was approved by the Competent Authority on 17.06.2005 subject to final outcome of W.P.No. 7071/2004 filed by Sri K. Chinnaiah claiming himself to be Secretary of the society. In this writ petition, Sri K.Chinnaiah challenged eligibility and claim of Sri.N.Ramachandra Prasad to act as Secretary & Correspondent of the society. The said W.P. was disposed on 18.07.2012 with a direction to the Commissioner of Collegiate Education to consider the representations submitted by the petitioners and pass appropriate orders .

9. In the first cited read above (dated:30.07.2014), the Commissioner of Collegiate Education has informed that Auditors of the office were deputed to N.B.T. & N.V.C. College, Narasaraopet to conduct special audit and verify the records with regard to MPLADS funds received by the college and submit its report. The audit report submitted reveals that the Secretary & Correspondent of N.B.T. & N.V.C. College, Narasaraopet has took charge of the College from the District Collector, Guntur on 14.6.2005. The Correspondent, N.B.T. & N.V.C. College, Narasaraopet, has stated that the college was sanctioned MPLADS funds between the period 2000 to 2003 and that development of the college has taken place during the tenure of District Collector & Magistrate, Guntur who was the acting Correspondent of the college. The District Collector & Magistrate, Guntur, has ordered the Executive Engineer, R&B Department, Narasaraopet to execute the work for construction of college buildings.

10. Further informed that the Regional Joint Director, Guntur was instructed to make a surprise visit to the college to enquire on the allegations made by the public of Narasaraopet against the Correspondent of the college regarding mismanagement, degrading and using the assets for getting monetary benefits. The R.J.D.C.E., Guntur, has made the following observations:

1) As per the attendance register, there are [11] Unaided Teaching Staff and [2] Aided Teaching staff.

2) There are no admissions during the Academic year 2014-15.

3) The Registrar, Acharya Nagarjuna University, Guntur, has issued a notice for withdrawal of affiliation for the Academic Year 2013-14 on the observations of the Inspection Commission of the University.

4) The In-charge Principal was unable to submit the receipt books in respect of fee collection and the College admission register was not maintained as per rules.

5) The college building was constructed with a plinth area of 27,400 Sq. Mtrs. with three floors consisting of [32] rooms and most of the college buildings were constructed with Govt. Funds (MPLADS & UGC Funds). The building and infrastructure acquired from the Government funds are being utilized for un-aided sections instead of utilizing for Aided Sections.

6) The Regional Joint Director has recommended that two aided lecturers who were without sufficient workload be transferred to other needy colleges. It was also recommended that the buildings constructed with Government funds being utilized for un-aided sections be utilized Government purpose and to initiate suitable action against the Secretary & Correspondent on the notice issued by Registrar, Acharya Nagarjuna University calling for explanation as to why the college should not be disaffiliated for the academic year 2013-14. The Commissioner of Collegiate Education recommended to Government to take over the college or to convert the college into a Social Welfare / Tribal Welfare Government Degree College so that all the infrastructure could be put to good use.

11. Subsequently the Government in Memo. No.6156/CE.A2/2014-5, dated: 09.10.2014 issued orders appointing a three members committee and directed to submit a detailed report on the functioning of the college duly highlighting the assets and liabilities of the N.B.T. & N.V.C. College, Narasaraopet.

12. In the first read above (dated: 20.04.2015) the Commissioner of College Education has informed that a three members committee visited N.B.T. & N.V.C. College from 01.03.2015 to 03.03.2015 and submitted report. The findings of the three members committee are as follows:

1) The college is running is in the premises (8,132.01Sq. Yards) of A.P.I.I.C Limited, Narasaraopet, Guntur District based on agreement between the college and A.P.I.I.C. Limited. The Principal of the college has paid the instalments to the A.P.I.I.C. Limited from the special fee account of the college and the land was registered in the name of Principal of the college and District Collector, Guntur (who is acting as Secretary & Correspondent of the college).

2) During the year 2006 after obtaining the permission from the C.C.E. has drawn an amount of Rs:18,13,420=00 (Interest accrued on Corpus Fund) for the purpose of construction of building. The amount was deposited in the Un-aided management account instead of Aided General Fee account. The management has not followed the procedure for construction of building by way of calling the tenders through paper advertisement, but has purchased material and supervised the work personally.

3) The Correspondent & Principal of the college have submitted that the college has received an amount of Rs:32,50,200=00 from the U.G.C. and Rs:70,00,000=00 from the MP LADS for the purpose of construction of college buildings .

4) The college buildings was constructed in plinth area of 27,400 Sq. Mtrs. with three floors consisting of 32 rooms and most of the buildings including attached hostel building were constructed with the Government Funds (MP LADS & U.G.C. funds). The infrastructure acquired from Government Funds are being utilized for unaided sections instead of utilizing for Aided Sections.

5) During the year 1995-2005, the college was under the District Collector, Guntur who was acting as Special Officer of the college. Sri N.RamachandraPrasad was nominated as Secretary and Correspondent of the college during the year 2005. At the time of taking over from the District Collector & Special Officer of the college, there was 860 students studying in the college. The Aided

student's strength is 95,117 and 104 in the academic years 2012-13, 2013-14 and 2014-15 respectively. The Unaided students strength is 28,329 and 222 in the academic years 2012-13, 2013-14 and 2014-15 respectively. There was NIL admissions (Aided & Un-aided Sections) in the college for first year in the Academic year 2014-15. Further if the same situation continues, there will be only 25 aided students during 2015-16.

6) The Registrar, Acharya Nagarjuna University, Guntur has issued a notice dated:28.05.2014 calling for explanation from the Correspondent of N.B.T. & N.V.C. College as to why the disaffiliation order cannot be issued to the college for the academic year 2013-14 on the observation of the Inspection Commission of University. Further the Registrar, Acharya Nagarjuna University vide order dated: 3.9.2014 has ordered the affiliation to the college be withdrawn for the academic year 2014-15.

7) The Correspondent and Principal of the College have submitted that only two Aided Lecturers and one Aided Attender are working in the college and the other (15) Teaching & Non-Teaching staff were found to surplus due to no admissions in the aided sections of college and therefore they were redeployed to other Government Aided Degree Colleges.

8) The In-charge Principal of the college was unable to submit the fee receipt books in respect of fee collection from the students and records pertaining to Cash Book, receipts and also stock registers and Scholarship details.

9) The three members committee has observed that the college has excellent infrastructure in the form of buildings which were constructed with the Government Funds (MPLADS & U.G.C. funds). The buildings are now presently being utilized for un-aided sections in the college. Therefore it is recommended to take necessary steps to make use of the infrastructure in the interest of the students community by reopening the admissions for first year classes in the college from next academic year i.e. 2015-16. The committee observed that the present management has failed for the strengthening the college and hence the Government may appoint a dynamic Principal of Government Degree College as Special Officer immediately so that the special officer shall can initiate immediate steps to start first year admissions from the academic year 2015-16 and also based on the admissions, the Teaching and Non-Teaching Staff already redeployed may be repatriated to parent college for effective functioning of the college and the committee highly recommended to take over the college from the management so that the entire infrastructure can be effectively used in the interest of the students community of the area.

10) The three member committee have concluded that the college is not running as per rules and procedure and the management of the college has failed to protect the interest of the students and public of the area.

13. In the second and third read above, a show cause notice was issued duly enclosing the enquiry report of the three member committee, calling for explanation from the Correspondent of N.B.T. and N.V.C. College, Narasaraopet, as to why action should not be taken against the management as per the

recommendations of the committee under section (60) of the Andhra Pradesh Education Act, 1982 within (15) and (30) days , failing which it will be construed that they have no explanation to offer and further action will be taken based on the material available.

14. In the fourth read above, Sri N. Ramachandra Prasad, Secretary & Correspondent of N.B.T. and N.V.C.College, Narasaraopet while submitting his explanation, has requested the Government to furnish certain documents to enable the college management to submit an effective explanation to the show cause notice. The Correspondent has submitted his explanation as follows:

1) Under the management, Sri N. Sivarama Chandrsekhar Rao acted as Secretary and Correspondent since 1990 and the college developed as well as he put lots of efforts to admit good students. The college has emerged as one of the best colleges in Narasaraopet Town. He has blamed one of the members of the Governing Body of the Society for creating disputes among the members of the society.

2) The College was under the management from 1984 to 1995 and at the time of handing over the charge to the Special Officer (District Collector, Guntur) there were 1300 students and when it was handed back to the management in the year 2005, the strength of the college has fallen to 860 and therefore the decrease of the students strength is because of mismanagement by the Special Officer.

3) He has stated that the Director of Collegiate Education in his proceedings dated: 29.09.2007 has redeployed all Aided Teaching and Non-teaching staff except Principal and one Attender and one Watchman subject to the condition that as and when the college receive proper strength and after receiving a proposal from the college, all the staff members will be repatriated to the parent college. Further the management issued paper notification in the year 2010 and attracted students and the Secretary and Correspondent requested to repatriate the transferred staff and the Commissioner of Collegiate Education has transferred only one Telugu Lecturer and one English Lecturer without supporting staff like Librarian, Physical Director and office staff.

4) The Management has addressed the Registrar, Acharya Nagarjuna University, Guntur for inspection of the college for grant of affiliation to the Un-aided Courses and the University has sent a committee without prior intimation on 18.02.2014 during preparation holidays for annual examination and the committee submitted a adverse report against the college. The University has issued a show cause notice to the Secretary and Correspondent of the college to submit his explanation for grant of affiliation to the college for the year 2013-14 and 2014-15. Further the Registrar, Acharya Nagarjuna University, Guntur in his orders dated:3.09.2014 has drawn the affiliation for the academic year 2014-15 with a malafide intention.

5) In the sixth cited read above, the Secretary and Correspondent of the college has submitted a further explanation. He has stated that the said copies of documents requested by him from the Government were furnished to him. In his explanation, he has blamed certain individuals for the present state of affairs in the college and stated that there are no absolute grounds for take over the assets of the college. He has stated that it is the personal

vendetta of an individual being vindicated through the official machinery for settlement of his personal score against the Secretary and Correspondent. He further stated that the buildings of the college were constructed with the Society funds. Government did not spend any amount for construction of buildings. During the tenure of the District Collector, Guntur he utilized MPLADS and UGC funds. Even the site was purchased with the funds provided by the society and college. Finally he has requested the Government to drop further action for taking over the assets of the management of N.B.T. and N.V.C.College, Narasaraopet and to repatriate all the Redeployed Teaching and Non-Teaching staff to the college and give one chance to the Secretary and Correspondent of N.B.T. & N.V.C.College, Narasaraopet to revive and bring back the college to its old edifice and name and fame.

15. The Government has observed that in the explanation submitted by the Secretary and Correspondent of NBT&NVC College, Narasaraopet, Guntur district has not put forth any convincing reply or evidence regarding irregularities pointed out by the [3] member committee. In addition the government observed as follows:

[a] The District Collector and Special Officer handed over the Management of the college to the Society in the year 2005 with the students strength of [860]. The students strength drastically reduced and the Commissioner of Collegiate Education has redeployed the teaching and non teaching staff to other needy colleges in the year 2007 on the basis that the staff were found to be surplus as there were no students in Aided Sections and therefore no workload. Further as per the report of the [3] member committee, the student strength in the academic year 2014-15 there were NIL admissions (Aided & Un-aided Sections) in the college. Further if the same situation continues, there will be only 25 aided students during 2015-16. The Secretary and Correspondent has admitted on 03.05.2016 that during the academic year 2015-16 the student strength is NIL. The affiliation has been cancelled by the Acharya Nagarjuna University, Guntur.

[b] The College has excellent infrastructure in the form of buildings and the same is not being utilised for the needs of students of the area. The Management has mismanaged and brought the college to the sad state of affairs prevailing now. The Management has not put any efforts to improve the admissions and functioning of the college inspite of the institution under it since 2005, defeating the aim of the government in investing public money meant for the benefit of student community, thus violated spirit of the Andhra Pradesh Education Act, 1982 and this act is against the public interest.

[c] The Management has not maintained the accounts, records, admission registers, scholarship accounts etc., thus violated section-25 of the Andhra Pradesh Education Act, 1982.

[d] The Management failed to produce the records at the time of Inspection of the [3] men committee, thus violated section-31 of the Andhra Pradesh Education Act, 1982.

[e] The Correspondent of the college in his explanation dated:19-03-2016 has made a false statement that the buildings in the college were constructed with the society funds, which is not at all correct. He has further stated that the site was purchased with

the funds provided by the society as well as the college which is also incorrect as the buildings in the college were constructed by using MPLADS & UGC Funds and the site of the college was purchased by the Principal of the college from the using the Special Fee account of the college and the land was registered in the name of the Principal of the college and the District Collector, Guntur (who was then acting as Secretary & Correspondent of the college). The explanation submitted by the Secretary and Correspondent of the college on behalf of the Management, thus violated the spirit behind section-25 of the Andhra Pradesh Education Act, 1982.

16. The Secretary and Correspondent of the college has been given ample time and opportunity for offering his explanation. He has been given every document as requested by him to place his defence. He was allowed sufficient time since 20-07-2015. However, the explanation submitted by him through fourth and sixth read above is not convincing and therefore found not satisfactory.

17. The Secretary and Correspondent of the College has filed W.P. M.P. No. 40604 of 2016 in W.P. No. 32811 of 2016 praying the Hon'ble High Court to suspend the G.O.Rt.No. 214 Higher Education (CE.A2) Department, dated:23.09.2016 and the Hon'ble High Court in its orders dated:26.09.2016 has passed orders as follows:

> "**There shall be interims us pension as prayed for, since prima facie the impugned order does not appear to be a reasoned order and since the explanation given by petitioners is not considered, and since it is not stated which rules and procedure in the Act are violated by the petitioners ".**

18. In the ninth read above, the Government Pleader for Higher Education, Hon'ble High Court of Andhra Pradesh has offered his opinion on the same stating "the Government may recall this G.O.Rt.No.214 Edn., dated:23.09.2016 and may considered to issue another order giving elaborate reasons after considering the notices issued and explanations furnished and mentioning the various violations committed by the Society / College ".

19. In the above position and the circumstances explained in the foregoing paras the Government stated that there is every reason to take over the Management and Assets of N.B.T.&.N.V.C. College, Narasaraopet, Guntur District by the Government under Section 60 of the Andhra Pradesh Education Act, 1982 in the Public Interest, since the present Management failed in securing proper Management of the college and for violating the sections 25 and 31 of the Andhra Pradesh Education Act, 1982.

20. Accordingly, in cancellation of the orders issued in the seventh read above, the Government hereby order to take over the Management and the assets of NBT and NVC College, Narasaraopet, Guntur district, by the Government in Public Interest.

21. The Commissioner of Collegiate Education, Andhra Pradesh, Vijayawada, shall take further action in the matter.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

ADITYANATH DAS
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Special Commissioner of Collegiate Education,
Andhra Pradesh, Vijayawada,
The Secretary & Correspondent, Narasaraopet, Guntur District,
The Government Pleader for Higher Education, High Court buildings, Hyderabad.
The OSD to Minister for Human Resource Development.
Copy to
The Law (B) Department.
SF/SCs.

// FORWARDED:: BY ORDER//

SECTION OFFICER.